

14 June 1988  
OCA 2016-88

MEMORANDUM FOR: Deputy Director for Administration  
Director, Office of Security  
ADGC/AL&MS/OGC

FROM: [redacted] Legislation Division  
Office of Congressional Affairs

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SUBJECT: Request for Comments: Draft Enrolled Bill  
Letter on H.R. 1212 - Polygraph Bill

1. Attached for your comment is a draft "enrolled bill" letter from the Director of Central Intelligence (DCI) to the Director, Office of Management and Budget (OMB). The letter sets forth the DCI's views on H.R. 1212, the "Employee Polygraph Protection Act of 1988".

2. H.R. 1212 passed the Senate on 9 June 1988, thereby clearing it for Presidential action. The Senate vote of 68 to 24 probably makes the bill veto-proof.

3. Because of the deadline for Presidential action, we would appreciate receiving your comments no later than noon on Wednesday, 15 June 1988.

4. Your cooperation is most appreciated.

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Attachment

OCA/LEG [redacted] (14 June 1988)

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Distribution:

Original - Addressees

- 1 - [redacted]
- 1 - OCA Registry
- 1 - OCA/Leg/Subject File: Polygraph
- 1 - PS Signer
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- 1 - [redacted]

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Central Intelligence Agency



Washington, D.C. 20505

Honorable James C. Miller, III  
Director  
Office of Management and Budget  
Washington, D.C. 20503

Dear Mr. Miller:

This is in response to your request for the views of the Director of Central Intelligence on the enrolled bill H.R. 1212, the "Employee Polygraph Protection Act of 1988".

H.R. 1212 severely restricts private sector polygraph use. The sponsors have been careful, however, to make exception for national security uses of the polygraph. These include exceptions for the government generally, for agencies in the Intelligence Community (including the Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency and the Federal Bureau of Investigation) and for contractors of these agencies and their employees. I commend the Congress for these efforts and I am satisfied they adequately address the equities of the Intelligence Community.

I remain somewhat concerned, however, that the negative atmosphere created by this legislation could impede our future ability to use the polygraph or to recruit and retain competent polygraph personnel. I also do not wish this to become the first step in an assault on our use of the polygraph or in an effort to apply to that use restrictions appropriate only to the private sector.

On balance, as the bill makes specific provision for our interests, I would have no objection to a Presidential approval. I did want to use this opportunity, however, to express my more general concerns about legislation in this area.

Thank you for the opportunity to comment on this important piece of legislation.

Sincerely yours,

William J. Webster  
Director of Central Intelligence

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